

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION**

**Case No. 1:14-cv-1748
MDL No. 2545**

Hon. Matthew F. Kennelly

THIS DOCUMENT RELATES TO:

All Cases Listed in Exhibit A

**CASE MANAGEMENT ORDER NO. 69 -
ORDER OF DISMISSAL AS TO CASES NAMING
PFIZER INC. AND PHARMACIA & UPJOHN COMPANY LLC ONLY
PURSUANT TO CASE MANAGEMENT ORDER NO. 19B (AMENDED)**

Amended Case Management Order No. 19B (“CMO 19B”) (ECF No. 1663) set forth procedures relating to Plaintiffs’ off-label fraud-based marketing claims against Pfizer Inc. and/or Pharmacia & Upjohn Company LLC (collectively “Pfizer” or “the Pfizer Defendants”). Those claims include Plaintiffs’ claims for fraud, consumer protection, and unjust enrichment, to the extent those claims are based on Pfizer’s off-label promotion of Depo-Testosterone (Claims Seven, Nine, and Ten in Plaintiffs’ Master Complaint), plus certain claims that derive in part from those claims (Claims Eleven through Fourteen).

CMO 19B required any Plaintiff who wished to pursue his off-label fraud-based marketing claims against Pfizer to serve substantive responses to the interrogatory and request for admission attached as Exhibit 1 to CMO 19B within 30 days of filing a short-form complaint. None of the Plaintiffs listed in the attached Exhibit A served responses to the interrogatory and request for admission..

Accordingly, IT IS HEREBY ORDERED that the off-label fraud-based marketing claims against Pfizer asserted by the Plaintiffs listed in the attached Exhibit A are dismissed with

prejudice. Combined with the Court's earlier rulings on preemption, this dismissal operates to terminate all such Plaintiffs' claims in their entirety.

As provided in CMO 19B, this Order shall not be construed to waive any party's preemption-related positions, including Plaintiffs' potential appeal of the Court's prior preemption rulings.

Each side shall bear its own costs.

IT IS SO ORDERED.

September 28, 2017



MATTHEW F. KENNELLY
UNITED STATES DISTRICT JUDGE

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In re Testosterone Products Liability Litigation
Case No. 1:14-cv-01748

List of Cases to be Dismissed with Prejudice
Pursuant to CMO 19(B) Amended

Pfizer Inc. and/or Pharmacia & Upjohn Company LLC Defendants Only

	Plaintiff's Name	Docket Number	Defendants	Plaintiff Counsel
1	Morein, Bernard L.	1:17-cv-05824	Pfizer, Inc. and Pharmacia & Upjohn Company Inc.	Beasley, Allen, Crow, Methvin, Portis, & Miles, P.C.